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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
MECHTHILD RIEPING, ET AL. : EXAMINER: L. ODELL
SERIAL NO: 10/616,309 :
FILED: JULY 10, 2003 : GROUP ART UNIT: 1652
FOR: PROCESS FOR THE :
FERMENTATIVE PREPARATION OF L-
AMINO ACIDS USING STRAINS OF THE
ENTEROBACTERIACEAE FAMILY

ELECTION & RESPONSE TO RESTRICTION REQUIREMENT

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Restriction Requirement mailed March 7, 2005 the Applicants elect with traverse Group II, Claims 19-20, directed to recombinant microorganisms comprising the *rseB* gene. Should an election of species requirement be imposed for the claims of Group II, to expedite examination the Applicants provisionally elect the species "the thrABC operon".

The traverse is on the basis that no undue burden would be imposed on the Examiner in conducting an examination of both groups together, because similar subject matter is encompassed by each group. For instance, the *rseB* gene in over-expressed form is common to each of these groups.

In the event that the restriction requirement is maintained, the Applicants respectfully request that the claims of Group I which depend from or include all the limitations of those of Group II, be rejoined upon an indication of allowability for the elected claims, see MPEP

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821.04. It is also the Applicants understanding that should an election of species requirement be imposed for Group II, that upon an indication of allowability for a generic claim embracing the elected species, that examination will be extended to additional species.

In view of the above, the Applicants respectfully request that the Restriction Requirement be withdrawn, that no election of species requirement be imposed for Group II, and that all the claims are examined together.


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